

Senate Chamber, Atlanta, Georgia
Wednesday, March 22, 2006
Thirty-fifth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 1620. By Representatives Mangham of the 94th, Watson of the 91st, Stephenson of the 92nd, Mosby of the 90th, Orrock of the 58th and others:

A BILL to be entitled an Act to provide a new charter for the City of Lithonia in DeKalb County, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative thereto; to provide for administrative responsibilities; to provide for boards, commissions, and authorities and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for severability; to repeal conflicting laws; and for other purposes.

HB 1621. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act creating a new board of education of Jenkins County, approved April 3, 1968 (Ga. L. 1968, p. 2965), as amended, so as to provide for nonpartisan election of the members of the board of education; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 1622. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Screven County, approved April 1, 2002 (Ga. L. 2002, p. 3659), so as to so as to change certain provisions regarding the compensation of the members of such board; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1623. By Representative Mosley of the 178th:

A BILL to be entitled an Act to create a board of elections and registration for Brantley County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1624. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971 (Ga. L. 1971, p. 2468), as amended, so as to prohibit the judge of such court from engaging in the practice of law; to provide for the compensation of such judge; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1626. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to annex certain territory into the City of Guyton and change the corporate limits of the city; to provide for related matters; to provide for a referendum; to provide for submission; to provide effective dates; to repeal conflicting laws; and for other purposes.

The House has passed by the requisite constitutional majority the following Bills of the Senate:

SB 210. By Senators Stoner of the 6th, Hill of the 32nd, Shafer of the 48th and Butler of the 55th:

A BILL to be entitled an Act to amend Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to the Public Service Commission, so as to provide for superior court filing of certain commission orders; to provide for venue, judgment, and effect of judgment; to repeal conflicting laws, and for other purposes.

SB 399. By Senators Shafer of the 48th, Zamarripa of the 36th, Moody of the 56th, Reed of the 35th and Hill of the 32nd:

A BILL to be entitled an Act to amend Code Section 36-31-12 of the Official Code of Georgia Annotated, relating to special services districts divided into noncontiguous areas, so as to provide that a noncontiguous area within three miles of another noncontiguous area may be treated as the same noncontiguous area; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 441. By Senators Bulloch of the 11th, Kemp of the 46th, Cagle of the 49th, Stephens of the 27th and Tolleson of the 20th:

A BILL to be entitled an Act to amend Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk and milk products, so as to change certain provisions relating to standards and requirements generally; to repeal conflicting laws; and for other purposes.

The House has passed, by substitute, by the requisite constitutional majority the following Bills of the Senate:

- SB 79. By Senators Williams of the 19th, Pearson of the 51st, Rogers of the 21st, Goggans of the 7th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum, so as to provide expressly that local boards of education are authorized to provide additional elective courses for students in specified grades; to provide for state funding of such additional elective courses; to repeal conflicting laws; and for other purposes.

- SB 195. By Senators Schaefer of the 50th, Rogers of the 21st, Carter of the 13th, Chance of the 16th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to regulate loans to and abandoned property of museums and archives repositories; to provide a short title; to define certain terms; to provide a process for establishing ownership of property loaned to museums and archives repositories; to provide for notice; to provide for other related matters; to repeal conflicting laws; and for other purposes

- SB 592. By Senators Grant of the 25th, Hill of the 4th, Kemp of the 46th and Harp of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the disposition of surplus property, so as to provide for the sale of certain property by fixed price; to permit the negotiated sale of surplus property to charitable institutions; to change certain provisions relating to the disposition of surplus property by the Department of Administrative Services; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted, by substitute, by the requisite constitutional majority the following Resolution of the Senate:

- SR 823. By Senators Grant of the 25th, Stephens of the 27th, Thomas of the 54th, Golden of the 8th, Williams of the 19th and others:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Appling County, Georgia; Baldwin and Wilkinson County, Georgia; Bibb County, Georgia; Bulloch County, Georgia; Emanuel County, Georgia; Fannin County, Georgia; Forsyth

County, Georgia; Gilmer County, Georgia; Gwinnett County, Georgia; Lowndes County, Georgia; Screven County, Georgia; Terrell County, Georgia; Whitfield County, Georgia; to repeal conflicting laws; and for other purposes.

The House has agreed to the Senate substitutes to the following Bills of the House:

HB 251. By Representatives Bridges of the 10th, Cummings of the 16th, Coleman of the 97th and Forster of the 3rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to retirement benefits and refund of dues under the Judges of the Probate Courts Retirement Fund of Georgia, so as to provide that a member who is unmarried at the time of retirement may elect a retirement option of an actuarially reduced amount with payment made to a designated surviving beneficiary; to provide that a member who is married at the time of retirement may make such an election with the consent of his or her spouse; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 984. By Representatives Coan of the 101st, Lunsford of the 110th, Ehrhart of the 36th, Ralston of the 7th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that a student whose parent is in military service is granted excused absences from school to visit with his or her parent prior to deployment or while on leave; to provide for related matters; to repeal conflicting laws; and for other purposes.

The House has agreed to the Senate amendments to the following Bills of the House:

HB 543. By Representatives Casas of the 103rd, Hembree of the 67th, Maxwell of the 17th, Chambers of the 81st and Jones of the 46th:

A BILL to be entitled an Act to amend Code Section 20-2-850 of the Official Code of Georgia Annotated, relating to sick leave for teachers and other public school personnel, so as to provide for the donation of sick leave from an employee of a local board of education to his or her spouse who is also an employee of the local board of education for certain

purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 595. By Representatives Millar of the 79th, Jacobs of the 80th, Drenner of the 86th, Chambers of the 81st, Henson of the 87th and others:

A BILL to be entitled an Act to provide for a homestead exemption from certain DeKalb County ad valorem taxes for county purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The House has disagreed to the Senate substitutes to the following Bills of the House:

HB 173. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property exempt from ad valorem tax, so as to expand the ad valorem exemption for veterans organizations to include certain additional nonprofit veterans organizations; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

The House has disagreed to the Senate amendments to the following Bills of the House:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 1032. By Representatives Lunsford of the 110th, Ralston of the 7th, Forster of the 3rd, England of the 108th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for certain restrictions on the issuance of such permit; to provide for a background check for permit renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SR 1236. By Senators Meyer von Bremen of the 12th, Hooks of the 14th, Goggans of the 7th and Carter of the 13th:

A RESOLUTION creating the Senate Study Committee on the State Health Care Benefit Plan; and for other purposes.

Referred to the Rules Committee.

The following House legislation was read the first time and referred to committee:

HB 1620. By Representatives Mangham of the 94th, Watson of the 91st, Stephenson of the 92nd, Mosby of the 90th, Orrock of the 58th and others:

A BILL to be entitled an Act to provide a new charter for the City of Lithonia in DeKalb County, Georgia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative thereto; to provide for administrative responsibilities; to provide for boards, commissions, and authorities and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for severability; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1621. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act creating a new board of education of Jenkins County, approved April 3, 1968 (Ga. L. 1968, p. 2965), as amended, so as to provide for nonpartisan election of the members of the board of education; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1622. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the board of education of Screven County, approved April 1, 2002 (Ga. L. 2002, p. 3659), so as to so as to change certain provisions regarding the compensation of the members of such board; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1623. By Representative Mosley of the 178th:

A BILL to be entitled an Act to create a board of elections and registration for Brantley County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1624. By Representatives Scott of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating and establishing the State Court of Tift County, approved March 30, 1971 (Ga. L. 1971, p. 2468), as amended, so as to prohibit the judge of such court from engaging in the practice of law; to provide for the compensation of such judge; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 1626. By Representatives Burns of the 157th and Carter of the 159th:

A BILL to be entitled an Act to annex certain territory into the City of Guyton and change the corporate limits of the city; to provide for related matters; to provide for a referendum; to provide for submission; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Agriculture and Consumer Affairs Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1404 Do Pass

Respectfully submitted,
Senator Bulloch of the 11th District, Chairman

Mr. President:

The Economic Development Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1168 Do Pass

HB 1184 Do Pass by substitute

Respectfully submitted,
Senator Mullis of the 53rd District, Chairman

Mr. President:

The Education and Youth Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1227 Do Pass by substitute
HB 1316 Do Pass

HB 1358 Do Pass
HB 1483 Do Pass

Respectfully submitted,
Senator Moody of the 56th District, Chairman

Mr. President:

The Finance Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 304 Do Pass by substitute
HB 429 Do Pass by substitute
HB 1160 Do Pass
HB 1244 Do Pass by substitute

HB 1305 Do Pass
HB 1403 Do Pass
HB 1502 Do Pass
HB 1506 Do Pass

Respectfully submitted,
Senator Cagle of the 49th District, Chairman

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 801	Do Pass	HB 1223	Do Pass by substitute
HB 832	Do Pass	HB 1224	Do Pass
HB 873	Do Pass	HB 1308	Do Pass
HB 907	Do Pass by substitute	HB 1451	Do Pass by substitute

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Higher Education Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1083	Do Pass	HB 1294	Do Pass
HB 1228	Do Pass as amended	HR 1258	Do Pass
HB 1252	Do Pass		

Respectfully submitted,
Senator Harp of the 29th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1364	Do Pass
HB 1371	Do Pass by substitute

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 239	Do Pass by substitute	HB 1073	Do Pass by substitute
HB 268	Do Pass by substitute	HB 1145	Do Pass by substitute
HB 847	Do Pass	HB 1195	Do Pass by substitute
HB 1059	Do Pass by substitute	HB 1313	Do Pass by substitute

Respectfully submitted,
Senator Smith of the 52nd District, Chairman

Mr. President:

The Natural Resources and the Environment Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1085	Do Pass
HB 1490	Do Pass by substitute
SR 1195	Do Pass

Respectfully submitted,
Senator Tolleson of the 20th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 276	Do Pass	HB 1053	Do Pass by substitute
HB 513	Do Pass	HB 1216	Do Pass
HB 710	Do Pass	HB 1236	Do Pass
HB 959	Do Pass	HR 1564	Do Pass
HB 1006	Do Pass	SR 1170	Do Pass

Respectfully submitted,
Senator Kemp of the 46th District, Chairman

Mr. President:

The Regulated Industries and Utilities Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1170	Do Pass	HB 1436	Do Pass by substitute
HB 1248	Do Pass by substitute	HB 1542	Do Pass
HB 1259	Do Pass by substitute		

Respectfully submitted,
Senator Seabaugh of the 28th District, Chairman

Mr. President:

The Rules Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1292	Do Pass
HB 1325	Pursuant to Senate Rule 2-1.10(b), referred by the Senate Rules Committee to the Senate Regulated Industries and Utilities Committee from the General Calendar.

Respectfully submitted,
Senator Balfour of the 9th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 874	Do Pass	HB 1570	Do Pass
HB 1044	Do Pass by substitute	HB 1572	Do Pass
HB 1143	Do Pass	HB 1583	Do Pass
HB 1162	Do Pass	HB 1585	Do Pass by substitute
HB 1423	Do Pass	HB 1608	Do Pass
HB 1474	Do Pass	HB 1609	Do Pass
HB 1501	Do Pass by substitute	HB 1610	Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

Senator Williams of the 19th gave notice that at the proper time he would move the Senate resolve itself into the Committee of the Whole Senate for the purpose of considering HB 1027.

The following communication from His Excellency, Governor Sonny Perdue, was read by the Secretary:

STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

Sonny Perdue
Governor

March 20, 2006

Mark Taylor
Lieutenant Governor and
President of the Senate and
Members of the Senate
Senate Chamber
Atlanta, GA 30334

Dear Lieutenant Governor and Members of the Senate:

I submit to you, as provided by law, the following appointments for confirmation:

The Honorable Jerilyn Barr of Cherokee County, as a member of the Board of Commissioners of the Commission on Equal Opportunity, for the term of office beginning January 17, 2006, and ending September 29, 2008.

The Honorable Barbara Gunn of Cobb County, as a member of the Board of Commissioners of the Commission on Equal Opportunity, for the term of office beginning January 17, 2006, and ending September 29, 2008.

The Honorable Dudley Rochelle of Cobb County, as a member of the Board of Commissioners of the Commission on Equal Opportunity, for the term of office beginning January 17, 2006, and ending September 29, 2008.

The Honorable Garrison Baker of White County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia, for the term of office beginning November 24, 2005, and ending June 30, 2008.

The Honorable Gary Braddy of Montgomery County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia, for the term of office beginning September 10, 2005, and ending October 1, 2006.

The Honorable Johnnie Crews of Brantley County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia, for the term of office beginning October 24, 2005, and ending June 30, 2008.

The Honorable Mike Greene of Jones County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia, for the term of office beginning September 12, 2005, and ending June 30, 2006.

The Honorable Jim Larche of Cobb County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia, for the term of office beginning December 12, 2005, and ending at the pleasure of the Governor.

The Honorable Roger Garrison of Cherokee County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund, for the term of office beginning January 17, 2006, and ending June 30, 2007.

The Honorable L. Cary Bittick Jr. of Monroe County, as a member of the Board of Commissioners of the Sheriffs' Retirement Fund of Georgia, for the term of office beginning January 17, 2006, and ending June 30, 2007.

The Honorable Kim Gay of Fulton County, as a member of the Board of Community Health, for the term of office beginning January 19, 2006, and ending July 1, 2008.

The Honorable Ann Parker of Fulton County, as a member of the Board of Community Health, for the term of office beginning January 19, 2006, and ending July 1, 2008.

The Honorable Michael Vollmer of Tift County, as a member of the Board of Control for Southern Regional Education, for the term of office beginning October 24, 2005, and ending June 30, 2009.

The Honorable A. D. Frazier of Fulton County, as a member of the Board of Corrections, for the term of office beginning October 24, 2005, and ending July 1, 2010.

The Honorable Bruce Hudson of Douglas County, as a member of the Board of Corrections, for the term of office beginning October 17, 2005, and ending July 1, 2010.

The Honorable Bill Jackson of Columbia County, as a member of the Board of Corrections, for the term of office beginning September 26, 2005, and ending July 1, 2009.

The Honorable Carlton Powell of Thomas County, as a member of the Board of Corrections, for the term of office beginning October 17, 2005, and ending July 1, 2010.

The Honorable David Karangu of Richmond County, as a member of the Board of Directors of MCG Health, Inc, for the term of office beginning October 15, 2005, and ending October 15, 2008.

The Honorable Ann Crowder of Chatham County, as a member of the Board of Directors of the Georgia Lottery Corporation, for the term of office beginning January 3, 2006, and ending December 15, 2009.

The Honorable Marty Kogon of Fulton County, as a member of the Board of Directors of the Georgia Lottery Corporation, for the term of office beginning January 25, 2006, and ending December 15, 2006.

The Honorable Jerry Bowman of Forsyth County, as a member of the Board of Directors of the Georgia Regional Transportation Authority, for the term of office beginning October 6, 2005, and ending June 1, 2007.

The Honorable Doug Chalmers of Fulton County, as a member of the Board of Drivers Services, for the term of office beginning October 17, 2005, and ending June 30, 2011.

The Honorable David Hanna of Fulton County, as a member of the Board of Drivers Services, for the term of office beginning September 19, 2005, and ending June 30, 2011.

The Honorable Gabrielle Braswell of Fulton County, as a member of the Board of Early Care and Learning, for the term of office beginning October 3, 2005, and ending July 1, 2007.

The Honorable Theodore Mallory of Fayette County, as a member of the Board of Early Care and Learning, for the term of office beginning November 14, 2005, and ending July 1, 2007.

The Honorable Maggy Martinez of Clayton County, as a member of the Board of Early Care and Learning, for the term of office beginning September 19, 2005, and ending July 1, 2006.

The Honorable Victor Morgan of Bartow County, as a member of the Board of Early Care and Learning, for the term of office beginning November 14, 2005, and ending July 1, 2009.

The Honorable Carlene Talton of DeKalb County, as a member of the Board of Early Care and Learning, for the term of office beginning September 19, 2005, and ending July 1, 2007.

The Honorable Melissa Turner of Gwinnett County, as a member of the Board of Early Care and Learning, for the term of office beginning September 19, 2005, and ending July 1, 2009.

The Honorable Charles Webb of Bulloch County, as a member of the Board of Early Care and Learning, for the term of office beginning September 19, 2005, and ending July 1, 2006.

The Honorable Joe M. Hatfield of Habersham County, as a member of the Board of Economic Development, for the term of office beginning October 17, 2005, and ending July 1, 2010.

The Honorable Phil Jacobs of Fulton County, as a member of the Board of Economic Development, for the term of office beginning September 12, 2005, and ending July 1, 2009.

The Honorable Rick Singletary of Thomas County, as a member of the Board of Economic Development, for the term of office beginning November 21, 2005, and ending July 1, 2010.

The Honorable Robert Dicks III of Clarke County, as a member of the Board of Human Resources, for the term of office beginning October 17, 2005, and ending January 1, 2008.

The Honorable Patrick Head of Cobb County, as a member of the Board of Public Safety, for the term of office beginning January 20, 2006, and ending January 20, 2009.

The Honorable Bob Hatcher of Bibb County, as a member of the Board of Regents of the University System of Georgia, for the term of office beginning January 6, 2006, and ending January 1, 2013.

The Honorable Felton Jenkins of Morgan County, as a member of the Board of Regents of the University System of Georgia, for the term of office beginning January 6, 2006, and ending January 1, 2013.

The Honorable Mansfield Jennings of Pulaski County, as a member of the Board of Regents of the University System of Georgia, for the term of office beginning January 6, 2006, and ending January 1, 2013.

The Honorable Willis Potts of Floyd County, as a member of the Board of Regents of the University System of Georgia, for the term of office beginning February 28, 2006, and ending January 1, 2013.

The Honorable Ben Tarbutton III of Washington County, as a member of the Board of Regents of the University System of Georgia, for the term of office beginning January 6, 2006, and ending January 1, 2013.

The Honorable Scott Evans of Pickens County, as a member of the Board of Registration of Professional Engineers and Land Surveyors, for the term of office beginning March 15, 2006, and ending June 30, 2010.

The Honorable Steve Richards of Murray County, as a member of the Board of Registration of Professional Engineers and Land Surveyors, for the term of office beginning March 15, 2006, and ending August 28, 2010.

The Honorable Elmo Richardson of Bibb County, as a member of the Board of Registration of Professional Engineers and Land Surveyors, for the term of office beginning March 15, 2006, and ending June 1, 2010.

The Honorable Alvin Wilbanks of Gwinnett County, as a member of the Board of Trustees of the Georgia Teachers Retirement System, for the term of office beginning November 14, 2005, and ending June 30, 2007.

The Honorable Steven Leibel of Lumpkin County, as a member of the Brain & Spinal Injury Trust Fund Commission, for the term of office beginning February 21, 2006, and ending December 8, 2007.

The Honorable Wayne St. Clair of Fulton County, as Commissioner of the Georgia Merit System, for the term of office beginning September 10, 2005, and ending at the pleasure of the Governor.

The Honorable Kathy Kinlaw of Dekalb County, as a member of the Composite State Board of Medical Examiners, for the term of office beginning March 13, 2006, and ending July 1, 2009.

The Honorable William Roundtree of Muscogee County, as a member of the Composite State Board of Medical Examiners, for the term of office beginning March 13, 2006, and ending July 1, 2009.

The Honorable Jean Sumner of Johnson County, as a member of the Composite State Board of Medical Examiners, for the term of office beginning February 21, 2006, and ending July 1, 2009.

The Honorable Martin Moore of Hall County, as a member of the Consumer Advisory Board, for the term of office beginning September 12, 2005, and ending July 1, 2008.

The Honorable Fred Greer of Newton County, as a member of the Georgia Agricultural Exposition Authority, for the term of office beginning January 25, 2006, and ending June 30, 2009.

The Honorable Curly Cook of Oglethorpe County, as a member of the Georgia Agrirama Development Authority, for the term of office beginning October 3, 2005, and ending January 25, 2008.

The Honorable Paul English of Bleckley County, as a member of the Georgia Agrirama Development Authority, for the term of office beginning September 26, 2005, and ending January 25, 2009.

The Honorable George Lee of Tift County, as a member of the Georgia Agrirama Development Authority, for the term of office beginning October 3, 2005, and ending January 25, 2008.

The Honorable Dale Redeker of Tift County, as a member of the Georgia Agrirama Development Authority, for the term of office beginning October 3, 2005, and ending July 1, 2008.

The Honorable Tyron Spearman of Tift County, as a member of the Georgia Agrirama Development Authority, for the term of office beginning September 19, 2005, and ending July 1, 2009.

The Honorable Mark Manley of Thomas County, as a member of the Georgia Auctioneers Commission, for the term of office beginning January 19, 2006, and ending August 14, 2010.

The Honorable Willis Boshears of Richmond County, as a member of the Georgia Aviation Hall of Fame Board, for the term of office beginning February 14, 2006, and ending July 1, 2011.

The Honorable Terry Cawley of Lowndes County, as a member of the Georgia Aviation Hall of Fame Board, for the term of office beginning February 23, 2006, and ending July 1, 2011.

The Honorable Eugene Demonet of Harris County, as a member of the Georgia Aviation Hall of Fame Board, for the term of office beginning February 16, 2006, and ending July 1, 2011.

The Honorable Bob Harless of Coffee County, as a member of the Georgia Aviation Hall of Fame Board, for the term of office beginning November 21, 2005, and ending July 1, 2010.

The Honorable Karen Mathaik of Spalding County, as a member of the Georgia Board of Chiropractic Examiners, for the term of office beginning November 16, 2005, and ending August 20, 2010.

The Honorable David Wren of Lee County, as a member of the Georgia Board of Chiropractic Examiners, for the term of office beginning January 19, 2006, and ending August 20, 2110.

The Honorable Joan Fischer of Clarke County, as a member of the Georgia Board of Examiners of Licensed Dietitians, for the term of office beginning January 19, 2006, and ending June 30, 2009.

The Honorable Tracey Neely of Richmond County, as a member of the Georgia Board of Examiners of Licensed Dietitians, for the term of office beginning January 19, 2006, and ending June 30, 2009.

The Honorable Nancy Walters of Columbia County, as a member of the Georgia Board of Examiners of Licensed Dietitians, for the term of office beginning January 19, 2006, and ending June 30, 2009.

The Honorable Toni Barnett of Gilmer County, as a member of the Georgia Board of Nursing, for the term of office beginning November 4, 2005, and ending September 23, 2008.

The Honorable Eric Groh of DeKalb County, as a member of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists, for the term of office beginning March 9, 2006, and ending December 31, 2008.

The Honorable Patricia Anne Harwell of Rockdale County, as a member of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists, for the term of office beginning March 9, 2006, and ending December 31, 2008.

The Honorable William Jackson of Banks County, as a member of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists, for the term of office beginning March 9, 2006, and ending December 31, 2008.

The Honorable Janet Lenard of Columbia County, as a member of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists, for the term of office beginning March 9, 2006, and ending December 31, 2008.

The Honorable Jan Ligon of Cobb County, as a member of the Georgia Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists, for the term of office beginning March 9, 2006, and ending December 31, 2008.

The Honorable Rick Austin of Habersham County, as a member of the Georgia County Leadership Academy, for the term of office beginning February 6, 2006, and ending July 1, 2006.

The Honorable Jan Tankersley of Bulloch County, as a member of the Georgia County Leadership Academy, for the term of office beginning February 6, 2006, and ending July 1, 2006.

The Honorable Douglas Mitchell of Fulton County, as a member of the Georgia Environmental Facilities Authority, for the term of office beginning January 20, 2006, and ending July 1, 2009.

The Honorable Mike Byrd of Cherokee County, as a member of the Georgia Film, Video and Music Advisory Commission, for the term of office beginning October 20, 2005, and ending at the pleasure of the Governor.

The Honorable Billy Johnson of Douglas County, as a member of the Georgia Film, Video and Music Advisory Commission, for the term of office beginning October 20, 2005, and ending at the pleasure of the Governor.

The Honorable John Woodruff of Fulton County, as a member of the Georgia Film, Video and Music Advisory Commission, for the term of office beginning October 20, 2005, and ending at the pleasure of the Governor.

The Honorable Shaw Blackmon of Houston County, as a member of the Georgia Golf Hall of Fame Board, for the term of office beginning October 24, 2005, and ending November 1, 2010.

The Honorable Bob Love of Fulton County, as a member of the Georgia Real Estate Commission, for the term of office beginning March 20, 2006, and ending January 26, 2011.

The Honorable Dwight Wood of Hall County, as a member of the Georgia Superior Court Clerks' Cooperative Authority, for the term of office beginning September 28, 2005, and ending July 1, 2008.

The Honorable Darvin Eason of Cook County, as a member of the Georgia Tobacco Community Development Board, for the term of office beginning January 19, 2006, and ending August 26, 2008.

The Honorable Chuck Adams of Hart County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Elizabeth Brock of Gwinnett County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2007.

The Honorable Chris Bryson of Stephens County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2009.

The Honorable Clay Campbell of Thomas County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Susan Chambers of Gwinnett County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Janet Deal of Douglas County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Robert Dyar of Cobb County, as a member of the Health Strategies Council, for the term of office beginning February 21, 2006, and ending July 1, 2006.

The Honorable John Freihaut of Cobb County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Venus Gines of Gwinnett County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2007.

The Honorable Trey Googe of Fulton County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Michael Greene of Bibb County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Tommy Hopkins of Spalding County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Donna Hyland of Fulton County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Tammy King of Gwinnett County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2007.

The Honorable Kirkland McGhee of Fulton County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2007.

The Honorable Lynn Mullis of Bleckley County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2009.

The Honorable Grace Newsome of Dawson County, as a member of the Health Strategies Council, for the term of office beginning February 6, 2006, and ending July 1, 2007.

The Honorable Gary Oetgen of Chatham County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Kelly Penton of Richmond County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Jessie Petrea of Chatham County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Louise Radloff of Gwinnett County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Dan Rahn of Richmond County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Sheila Ridley of Tift County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2009.

The Honorable Julie Wilkerson of Bibb County, as a member of the Health Strategies Council, for the term of office beginning February 21, 2006, and ending July 1, 2009.

The Honorable Mark Wilson of Lowndes County, as a member of the Health Strategies Council, for the term of office beginning October 31, 2005, and ending July 1, 2007.

The Honorable Connie Hagler of Hall County, as a member of the Lake Lanier Islands Authority, for the term of office beginning March 20, 2006, and ending March 15, 2009.

The Honorable Sallie Bullock of Madison County, as a member of the Professional Standards Commission, for the term of office beginning December 19, 2005, and ending July 1, 2008.

The Honorable Pam Greenway of Houston County, as a member of the Professional Standards Commission, for the term of office beginning November 21, 2005, and ending July 1, 2008.

The Honorable Lee Muns of Columbia County, as a member of the Professional Standards Commission, for the term of office beginning October 21, 2005, and ending July 1, 2008.

The Honorable Craig Smith of Baldwin County, as a member of the Professional Standards Commission, for the term of office beginning October 21, 2005, and ending July 1, 2008.

The Honorable Gary Bechtel of Bibb County, as a member of the Professional Standards Commission, for the term of office beginning October 21, 2005, and ending July 1, 2008.

The Honorable Mary Outlaw of Floyd County, as a member of the Professional Standards Commission, for the term of office beginning October 21, 2005, and ending July 1, 2008.

The Honorable Sam Johnson of Stephens County, as a member of the State Board of Accountancy, for the term of office beginning January 19, 2006, and ending June 30, 2009.

The Honorable Lorena Holland-Barrios of Richmond County, as a member of the State Board of Barbers, for the term of office beginning January 19, 2006, and ending December 29, 2008.

The Honorable Evelyn Reid of Bibb County, as a member of the State Board of Cosmetology, for the term of office beginning March 20, 2006, and ending July 1, 2006.

The Honorable Michelle Turley of Chatham County, as a member of the State Board of Cosmetology, for the term of office beginning March 20, 2006, and ending May 5, 2008.

The Honorable Wanda Barrs of Bleckley County, as a member of the State Board of Education, for the term of office beginning January 5, 2006, and ending January 1, 2013.

The Honorable Brad Bryant of DeKalb County, as a member of the State Board of Education, for the term of office beginning January 5, 2006, and ending January 1, 2013.

The Honorable Stanley Tate of Carroll County, as a member of the State Board of Examiners for Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts, for the term of office beginning September 19, 2005, and ending June 30, 2007.

The Honorable Draper Watson of Houston County, as a member of the State Board of Funeral Service, for the term of office beginning February 22, 2006, and ending February 13, 2012.

The Honorable Sheila Weddon of Burke County, as a member of the State Board of Nursing Home Administrator, for the term of office beginning January 19, 2006, and ending June 4, 2008.

The Honorable Malcolm Tatum of Harris County, as a member of the State Board of Pharmacy, for the term of office beginning March 20, 2006, and ending November 1, 2010.

The Honorable Patricia Willis of Gwinnett County, as a member of the State Board of Physical Therapy, for the term of office beginning January 19, 2006, and ending August 30, 2008.

The Honorable Robert Griggers of Peach County, as a member of the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, for the term of office beginning November 7, 2005, and ending June 30, 2009.

The Honorable Butch Hon of Bleckley County, as a member of the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, for the term of office beginning February 21, 2006, and ending June 30, 2008.

The Honorable Donald Riner of Emanuel County, as a member of the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, for the term of office beginning November 7, 2005, and ending June 30, 2007.

The Honorable Jeff Appling of Banks County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning November 7, 2005, and ending November 21, 2007.

The Honorable Brenda Garland of Habersham County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning January 3, 2006, and ending November 21, 2009.

The Honorable Nick Masino of Gwinnett County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning October 17, 2005, and ending November 21, 2007.

The Honorable Jo Maypole of Richmond County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning October 19, 2005, and ending November 21, 2009.

The Honorable David Moody of Dekalb County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning October 17, 2005, and ending November 21, 2007.

The Honorable Neatha Young of Chatham County, as a member of the State Housing Trust Fund for the Homeless Commission, for the term of office beginning November 14, 2005, and ending November 21, 2007.

The Honorable Rob Joseph of Dekalb County, as a member of the State Personnel Board, for the term of office beginning November 14, 2005, and ending November 14, 2010.

The Honorable Hal Roach of Bulloch County, as a member of the State Personnel Board, for the term of office beginning January 25, 2006, and ending January 3, 2008.

The Honorable Geri Thomas of Fulton County, as a member of the State Personnel Board, for the term of office beginning November 21, 2005, and ending January 3, 2009.

Sincerely,

/s/ Sonny Perdue

The President assigned the Governor's Executive Appointments to the Senate Rules Committee.

The following legislation was read the second time:

HB 535	HB 1121	HB 1273	HB 1326	HB 1405	HR 1491
HB 654	HB 1126	HB 1275	HB 1361	HB 1444	HR 1551
HB 724	HB 1164	HB 1282	HB 1372	HB 1456	HR 1661
HB 848	HB 1211	HB 1304	HB 1373	HB 1484	SR 1114
HB 1027	HB 1240	HB 1319	HB 1385	HR 1169	SR 1133
HB 1090	HB 1249				

Senator Kemp of the 46th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Thomas of the 2nd asked unanimous consent that Senator Thompson of the 33rd be excused. The consent was granted, and Senator Thompson was excused.

Senator Goggans of the 7th asked unanimous consent that Senator Unterman of the 45th be excused. The consent was granted, and Senator Unterman was excused.

Senator Tate of the 38th asked unanimous consent that Senator Fort of the 39th be excused. The consent was granted, and Senator Fort was excused.

Senator Hudgens of the 47th asked unanimous consent that Senator Rogers of the 21st be excused. The consent was granted, and Senator Rogers was excused.

Senator Seay of the 34th asked unanimous consent that Senator Butler of the 55th be excused. The consent was granted, and Senator Butler was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Jack	Shafer,D
Balfour	Hill,Judson	Smith
Brown	Hooks	Starr
Bulloch	Hudgens	Staton
Cagle	Johnson	Stephens
Carter	Jones	Stoner
Chance	Kemp	Tarver
Chapman	Me V Bremen	Tate
Douglas	Miles	Thomas,D
Goggans	Moody	Thomas,R
Golden	Mullis	Thompson,C
Grant	Pearson	Weber
Hamrick	Powell	Whitehead
Harbison	Reed	Wiles
Harp	Schaefer	Williams
Heath	Seabaugh	Zamarripa
Henson	Seay	

Not answering were Senators:

Butler (Excused)	Fort (Excused)	Rogers (Excused)
Thompson, S (Excused)	Tolleson (Excused)	Unterman (Excused)

The members pledged allegiance to the flag.

Senator Jones of the 10th introduced the chaplain of the day, Bishop Jimmie L. Smith of Stockbridge, Georgia, who offered scripture reading. Pastor Ruth Smith of Stockbridge, Georgia offered prayer.

Senator Miles of the 43rd recognized the Columbia High School Eagles Basketball Team, commended by SR 1190, adopted previously.

Senator Jones of the 10th recognized senior football players from DeKalb County, commended by SR 1049, adopted previously.

Senator Hill of the 32nd recognized United States Marine Lee Merritt, commended by SR 762, adopted previously.

Senator Butler of the 55th recognized representatives of the City of Clarkston, commended by SR 771, SR 772, SR 773, SR 774, SR 775, SR 776 and SR 777, adopted previously.

Senator Butler of the 55th recognized the Clarkston Health Collaborative, commended by SR 778, adopted previously.

Senator Butler of the 55th recognized Tony Scipio, commended by SR 1115, adopted previously.

The following resolutions were read and adopted:

SR 1234. By Senator Schaefer of the 50th:

A RESOLUTION commending the Sandy Cross Volunteer Fire Department and congratulating them on the opening of a new and modern fire station; and for other purposes.

SR 1235. By Senators Henson of the 41st, Hooks of the 14th and Williams of the 19th:

A RESOLUTION commending Dr. James L. Cherry for his pioneering efforts in the disability rights movement; and for other purposes.

SR 1237. By Senator Harbison of the 15th:

A RESOLUTION congratulating New Bethel Seventh Day Adventist Church on its 100th anniversary; and for other purposes.

SR 1238. By Senators Rogers of the 21st, Douglas of the 17th and Chapman of the 3rd:

A RESOLUTION recognizing and commending the Armor 4 Troops Foundation, Inc.; and for other purposes.

SR 1239. By Senator Bulloch of the 11th:

A RESOLUTION commending John D. Burch on becoming an Eagle Scout; and for other purposes.

SR 1240. By Senator Bulloch of the 11th:

A RESOLUTION commending Bryan H. Digby on becoming an Eagle Scout; and for other purposes.

SR 1241. By Senators Bulloch of the 11th, Tolleson of the 20th, Hill of the 4th, Starr of the 44th, Goggans of the 7th and others:

A RESOLUTION recognizing and commending Bob Addison and his family for hosting the Wild Hog Supper; and for other purposes.

SR 1242. By Senator Bulloch of the 11th:

A RESOLUTION commending James Christopher Harrell on becoming an Eagle Scout; and for other purposes.

SR 1243. By Senator Chance of the 16th:

A RESOLUTION commending Patrick Ryan Schneider; and for other purposes.

SR 1244. By Senators Johnson of the 1st, Harp of the 29th, Douglas of the 17th, Williams of the 19th, Tolleson of the 20th and others:

A RESOLUTION recognizing and thanking an American hero, General H. Norman Schwarzkopf; and for other purposes.

Senator Stephens of the 27th asked unanimous consent that SR 1244 be immediately transmitted to the House.

The consent was granted, and SR 1244 was immediately transmitted.

Senators Jones of the 10th and Adelman of the 42nd recognized representatives of Southwest DeKalb High School's Advance Placement United States History Program, commended by SR 1050 and SR 1105, adopted previously.

Senator Hill of the 32nd introduced the doctor of the day, Dr. Charles Burton.

Senator Chance of the 16th asked unanimous consent that the following bill be withdrawn from the Senate Agriculture and Consumer Affairs Committee and committed to the Senate Public Safety and Homeland Security Committee:

HB 1497. By Representatives Knight of the 126th, Chambers of the 81st, Burkhalter of the 50th and Benfield of the 85th:

A BILL to be entitled an Act to amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, so as to provide for requirements for persons who own vicious dogs; to provide for a short title; to provide for definitions; to provide for requirements for possessing a vicious dog; to provide for restrictions on permitting vicious dogs to be outside of proper enclosures; to provide for confiscation of vicious dogs under certain circumstances; to provide for penalties; to provide that the article is supplementary to other laws; to provide for liability for damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

The consent was granted, and HB 1497 was committed to the Senate Public Safety and Homeland Security Committee.

Senator Starr of the 44th asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

Senator Stephens of the 27th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Powell of the 23rd asked unanimous consent that Senator Golden of the 8th be excused. The consent was granted, and Senator Golden was excused.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, March 22, 2006
Thirty-fifth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

HB 1474 Hudgens of the 47th
CITY OF MONROE

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Monroe, approved April 8, 1971 (Ga. L. 1971, p. 3221), as amended, so as to revise certain provisions relating to quorum requirements; to change and extend the corporate limits of the City of Monroe; to provide for a new Article VI, relating to municipal utilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1570 Douglas of the 17th
 Hudgens of the 47th
ALCOVY JUDICIAL CIRCUIT

A BILL to be entitled an Act to amend an Act creating the Alcovy Judicial Circuit, approved March 9, 1972 (Ga. L. 1972, p. 152), as amended, particularly by an Act approved April 5, 1995 (Ga. L. 1995, p. 4219), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4221), so as to provide an increase in the salary supplement for the superior court judges; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1572 Pearson of the 51st
 Stephens of the 27th
BELL-FORSYTH JUDICIAL CIRCUIT

A BILL to be entitled an Act to provide a salary supplement for each judge of the Superior Court of the Bell-Forsyth Judicial Circuit; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1574 Pearson of the 51st
 Stephens of the 27th
FORSYTH COUNTY

A BILL to be entitled an Act to amend an Act creating and establishing a civil service system in Forsyth County for the employees of Forsyth County, approved March 13, 1978 (Ga. L. 1978, p. 3576), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 4272), so as to exempt certain employees

of the sheriff from the civil service system and from any rights, protections, privileges, or right of appeal under the civil service system; to repeal conflicting laws; and for other purposes.

HB 1583

Goggans of the 7th
COFFEE COUNTY

A BILL to be entitled an Act to provide for the employment of marshals in Coffee County; to provide for the appointment, duties, and term of such marshals; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1585

Chapman of the 3rd
**BRUNSWICK-GLYNN COUNTY JOINT WATER AND
SEWER COMMISSION**

A BILL to be entitled an Act to create the Brunswick-Glynn County Joint Water and Sewer Commission; to provide a short title; to define certain terms; to provide for membership, appointment, terms, cooperation, quorums, and officers of the commission; to provide for a director; to provide for purposes; to provide for powers; to provide for ordinance proposals; to provide for tax exemption; to provide for construction; to provide for cumulative nature of powers; to provide an effective date; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.
(SUBSTITUTE)

HB 1608

Hamrick of the 30th
Heath of the 31st
PAULDING COUNTY

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 4145), so as to change the compensation of the chairperson and members of the commission; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1609 Whitehead of the 24th
CITY OF WASHINGTON

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Washington, Georgia, approved February 14, 1958 (Ga. L. 1958, p. 2139), as amended, so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

HB 1610 Hudgens of the 47th
CITY OF WINDER

A BILL to be entitled an Act to amend an Act reincorporating the City of Winder, Georgia, in the County of Barrow, approved March 25, 1974 (Ga. L. 1974, p. 3476), as amended, so as to annex certain territory into the City of Winder and thereby change the corporate limits of such city; to repeal conflicting laws; and for other purposes.

The substitute to the following bill was put upon its adoption:

*HB 1585:

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1585:

**A BILL TO BE ENTITLED
AN ACT**

To create the Brunswick-Glynn County Joint Water and Sewer Commission; to provide a short title; to define certain terms; to provide for membership, appointment, terms, cooperation, quorums, and officers of the commission; to provide for a director; to provide for purposes; to provide for powers; to expressly prohibit the exercise of eminent domain by the commission; to provide for ordinance proposals; to provide for tax exemption; to provide for construction; to provide for cumulative nature of powers; to provide for a referendum; to provide effective dates; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Brunswick-Glynn County Joint Water and Sewer Commission Act."

SECTION 2.

There is hereby created a body corporate and politic, to be known as the Brunswick-Glynn County Joint Water and Sewer Commission, which shall be a political subdivision of the State of Georgia and a public corporation, and by that name, style, and title said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity. The commission shall have perpetual existence, and shall be deemed a governmental body within the meaning of the Georgia Revenue Bond Law, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, specifically under subparagraph (2)(C) of Code Section 36-82-61.

SECTION 3.

As used in this Act, the following words and terms shall have the following meanings:

- (1) 'Commission' shall mean the Brunswick-Glynn County Joint Water and Sewer Commission created by Section 2 of this Act.
- (2) 'City' shall mean the City of Brunswick.
- (3) 'County' shall mean Glynn County, Georgia.
- (4) 'Project' shall mean the acquisition, construction, and equipping of a water system, sewer system, or combined water and sewer system and all property used or useful in connection therewith.
- (5) 'Revenue bonds' and 'bonds' shall mean revenue bonds, certificates, and other obligations of the commission, as defined and provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and such type of obligations may be issued by the commission under this Act and as authorized under said article.
- (6) 'System' means any water system or sewer system or combined water and sewer system of the commission.
- (7) 'Unified system' shall mean the combined water and sewer systems of the City of Brunswick and Glynn County.

SECTION 4.

(a) The commission shall consist of five members. The governing authorities of the county and the city shall each appoint two of their members to the commission. The initial terms of one of the members appointed by the city and one of the members appointed by the county shall be one year from the date of appointment, and all succeeding terms shall be for a period of two years. The terms of all other members of the commission shall be two years from the date of appointment except that no member appointed to one of these four positions or their successors in office shall serve beyond their term in office as a member of the respective appointing body. There shall be no limit to the number of terms a person may serve as a member of the commission. A majority of the four original commission members shall select and name a fifth member to serve on the commission within 30 days of its first meeting. The fifth member shall be a resident of the county and shall serve a term of two years from the date of appointment. Successors in office to the original fifth member shall be selected in the same manner by a majority of members of the commission then sitting. The commission may declare that

any member missing three consecutive meetings of the commission has vacated his or her office. The commission may for good cause shown excuse any absence of an individual member so that it does not count toward this limit. If the commission declares an office vacated, it may request the county or the city, as appropriate, to name a successor to serve the balance of that former member's term. Within 30 days of receiving such a request, the governing commission of the county or the city shall appoint a successor. In the case of the fifth member, the four members of the commission that are also members of the governing authorities of the county and the city may name a successor to serve the balance of the member's term. Members of the commission shall be officers of the commission when performing the functions of those offices and shall not be deemed to be officers of the city or county.

(b) All members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties, including mileage reimbursed at the standard business mileage rate as determined by the Internal Revenue Service and adopted by the commission.

(c) A quorum of the members of the commission shall be required to transact any business. Three members of the commission shall constitute a quorum. A quorum of the commission must include at least one member who is a member of the governing commission of the city and at least one member who is a member of the governing commission of the county. Meetings of the commission shall be conducted in accordance with *Robert's Rules of Order*.

(d) The commission shall elect a chairperson from its members to serve a one year term. There shall be no limit to the number of terms, consecutive or otherwise, that the chairperson may serve.

SECTION 5.

The commission shall contract with an individual to serve as director to manage the unified system as its employee. The director shall not be a member of the commission and shall not be deemed to be an employee of either the county or the city.

SECTION 6.

Without limiting the generality of any provisions of this Act, the general purposes of the commission are declared to be those of acquiring, constructing, equipping, maintaining, and operating adequate water supply, treatment, and distribution facilities and sewerage collection, treatment, and distribution facilities; making such facilities and services available to public and private consumers and users located in the city and the county; and extending and improving such facilities as necessary.

SECTION 7.

After holding a public hearing regarding and prior to entering into an operational agreement with the city and county to operate the unified system and subsequently entering into such an agreement, the commission shall have the following powers and duties:

- (1) To have a seal and to alter same at its pleasure;
- (2) To operate a water and sewer system or systems including a unified water and sewer system utilizing the systems and assets of both the county and the city water and sewer systems and to provide water and sewer services to all citizens and customers in the county and the city and to citizens and customers in either political subdivision. The commission shall operate its system or systems in conformity with all applicable regulations, licenses, and permits and shall be liable to pay any fines or assessments resulting from failure to conform to same;
- (3) To acquire by purchase, lease, gift, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes;
- (4) To acquire real or personal property in its own name by purchase, lease, exchange, gift, or otherwise on such terms and conditions and in such a manner as it may deem proper, necessary, or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of, or dispose of the same in any manner it deems to the best advantage of the commission, and no property shall be acquired under the provisions of this Act upon which any lien or other encumbrance exists unless at the time such property is so acquired a sufficient sum of money shall be deposited in trust to pay and reduce the face value of such lien or encumbrance.
- (5) To appoint, select, and employ such officers, agents, and employees as shall be necessary in the judgment of the commission to accomplish the purposes of the commission, including accountants, auditors, attorneys, consulting engineers, and other professionals; to fix their respective compensation; and to provide for pension and retirement plans for these officers, agents, and employees. After the commission enters into an agreement to operate the unified system, existing water and sewer employees of the county and the city and former employees of the county who are employees of the company operating the county's water and sewer system shall be offered employment with the commission. The position offered to such persons and the terms of compensation are entirely within the discretion of the commission;
- (6) To formulate and adopt an annual operating budget of all its revenues and expenses. On or before May 1 of each year the commission shall submit its proposed budget to the county and the city for their comments before its adoption by the commission;
- (7) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed, erected, or acquired. Any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the commission upon such terms and for such purposes as they deem advisable;
- (8) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as defined in this Act and to pay the cost of the project in whole or in part from the proceeds of revenue bonds of the

commission or from such proceeds and any grant or contribution from the United States of America or any agency or instrumentality thereof or from the State of Georgia or any political subdivision, agency, or instrumentality thereof;

(9) To borrow money for any of its corporate purposes and to issue revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof;

(10) To exercise any power usually possessed by private corporations performing similar functions, including the power to make short-term loans and approve, execute, and deliver appropriate evidence of such indebtedness, provided no such power is in conflict with the Constitution or general laws of this state;

(11) To enter into an operational agreement with the county and the city detailing the power of the commission to operate the unified system and the rights of the county, the city, and the commission during the period of such operation. The term of such agreement shall not exceed 50 years;

(12) To be liable for payment of all charges and expenses of operating the unified system and to receive all income from the operation of the unified system, except that the county and the city shall continue to receive income necessary to retire any existing indebtedness of their systems;

(13) To prescribe, fix, and collect rates, fees, tolls, or charges and to revise from time to time and collect such rates, fees, tolls, or charges, provided that such rates, fees, tolls, or charges shall be calculated to cover only the cost of providing services; to provide capital to expand facilities; to maintain, replace, or expand existing facilities; to provide a reasonable reserve for operations; to fund bond sinking funds; or to fund sinking funds for other debt of the county or the city incurred to provide capital portions of their water or sewer system. The commission shall not operate the unified system at a profit;

(14) To accept grants of money, materials, or property of any kind from the United States of America or any agency or instrumentality thereof upon terms and conditions as the United States of America or such agency or instrumentality may impose;

(15) To accept grants of money, materials, or property of any kind from the State of Georgia or any agency or instrumentality or political subdivision thereof upon terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;

(16) To accept grants of money, materials, or property of any kind from the city, the county, or any agency or instrumentality thereof upon terms and conditions as the city, the county, or such agency or instrumentality may impose;

(17) To accept grants of money, materials, or property of any kind from any other source, private or public, provided that such grant or gift is not encumbered with any terms or conditions;

(18) To insure its interest and the interest of the county and the city or any other entity with which it contracts in all assets leased or utilized by it; and

(19) To do all things necessary or convenient to carry out the powers and duties expressly given in this Act.

SECTION 8.

The commission shall not have or exercise any power of eminent domain.

SECTION 9.

The commission shall be charged with formulating a proposal for the standardization of county and city ordinances relating to water and sewer services. Such ordinances shall become effective only upon adoption by the governing authorities of the county and the city.

SECTION 10.

The commission, or any commission, authority, or other entity or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the commission created in this Act, shall have power and is authorized at one time, or from time to time, to borrow money for the purpose of paying all or any part of the cost, as defined in this Act, of any one or more projects and to provide by resolution for issuance of revenue bonds for that purpose. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission in the resolution providing for the issuance of the bonds. The interest rate or rates to be borne by any bonds and the time of payment of such interest shall be fixed, and with respect to any interest rate which floats in response to a variable, the method of calculation shall be fixed by the commission in the resolution providing for the issuance of all bonds.

SECTION 11.

The commission is authorized to provide by resolution for the issuance of refunding bonds of the commission for the purpose of refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon, and to refund any revenue bonds issued by the city, the county, or the commission with respect to any facilities to be acquired by the commission from the city, county, or other political subdivision or authority.

SECTION 12.

Any action to protect or enforce any rights under the provisions of this Act or any action against the commission shall be brought in the Superior Court of Glynn County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in such court, which shall have exclusive, original jurisdiction of such actions.

SECTION 13.

Bonds of the commission shall be confirmed and validated in accordance with the procedure provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," as now or hereafter amended.

SECTION 14.

The properties of the commission, both real and personal, are declared to be public properties used for the benefit and welfare of the people of the city and county and not for purposes of private or corporate benefit and income. Such properties and the commission shall be exempt from all taxes of any city, county, the state, or any political subdivision thereof.

SECTION 15.

This Act, being for the welfare of various political subdivisions of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

SECTION 16.

This Act does not in any way take from the county or the city the authority to own, operate, and maintain water, sanitary sewerage, and water pollution control facilities or to issue revenue bonds as provided by Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; but the powers granted by this Act to the commission shall be in addition to and cumulative of all other powers now or hereafter given to any municipal corporation or political subdivision of this state.

SECTION 17.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendents of the City of Brunswick and Glynn County shall call and conduct elections as provided in this section for the purpose of submitting this Act to the electors of the City of Brunswick and to the electors of all that portion of Glynn County outside of the City of Brunswick for approval or rejection. The election superintendents shall conduct such elections on the date of the state-wide general primary in 2006 and shall issue the call and conduct those elections as provided by general law. The election superintendent of Glynn County shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Glynn County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which creates the Brunswick-Glynn County
() NO Joint Water and Sewer Commission?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question by the voters of the City of Brunswick and more than one-half of the votes cast on such question by the voters of all that portion of Glynn County outside of the City of Brunswick are for approval of the Act, then Sections 1 through 15 of this Act shall become of full force and effect immediately. If the Act is not so approved by the voters of the City of Brunswick and the voters of all that portion of Glynn County outside the City of Brunswick or if the election is not conducted as provided in this section, Sections 1 through 15 of this Act shall not become effective and

this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Brunswick and Glynn County. It shall be the election superintendents' duties to certify the result thereof to the Secretary of State.

SECTION 18.

Except as otherwise provided in Section 17 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 19.

If this Act becomes effective under Section 16 of this Act, this Act shall stand repealed one year after the date on which this Act becomes so effective unless an operational agreement between the City of Brunswick and Glynn County has been entered into under Section 7 of this Act prior to such latter date.

SECTION 20.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 49, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
E Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead

Harbison
Y Harp
Y Heath
Y Henson

Y Schaefer
Y Seabaugh
Y Seay
Y Shafer,D

Y Wiles
Williams
Y Zamarripa

On the passage of the local bills, the yeas were 49, nays 0.

The bills on the Local Consent Calendar, except HB 1585 having received the requisite constitutional majority, were passed.

HB 1585, having received the requisite constitutional majority, was passed by substitute.

Senators Jones of the 10th and Miles of the 43rd recognized members of the Southwest DeKalb Marching Band, commended by SR 946, adopted previously.

SENATE RULES CALENDAR
WEDNESDAY, MARCH 22, 2006
THIRTY-FIFTH LEGISLATIVE DAY

HR 1395	Wiley T. Nixon Capitol Post Office; name (SI&P-52nd) Loudermilk-14th
HB 692	Probation; terms and conditions; amend (JUDY-7th) Black-174th
HB 972	Teacher certification renewal; require test in basic computer skill competency (ED&Y-13th) Casas-103rd
HB 1012	General obligation bonds; requirements; provisions (Substitute)(FIN-16th) Millar-79th
HB 1018	Sales and use tax; biomass material; certain exemptions; provide (FIN-49th) Lewis-15th
HB 1217	Disabled persons; parking permits; provide (PS&HS-20th) Murphy-23rd
HB 1253	Drivers' licenses; certain provisions; clarify (Substitute)(PS&HS-46th) Rice-51st
HB 1120	Dealers' sales and use tax; estimated liability; change provisions (FIN-49th) Scott-2nd
HB 363	Motor vehicles; state vehicles; license plates; requirements (PS&HS-20th) Murphy-23rd

HB 1075 Bond; used motor vehicle dealers; increase amount (RI&Util-25th)
Parham-141st

HB 718 Pretrial intervention and diversion programs; authorize certain courts to
administer (Substitute)(JUDY-32nd) Lindsey-54th

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Cagle of the 49th moved to engross HB 1018, which was on today's Senate Rules Calendar.

Senator Adelman of the 42nd objected.

On the motion a roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	N Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Y Thomas,D
Y Chapman	N Miles	N Thomas,R
Y Douglas	Y Moody	N Thompson,C
N Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	N Powell	Y Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 34, nays 19, the motion prevailed; and HB 1018 was engrossed.

Senator Carter of the 13th asked unanimous consent that Senator Heath of the 31st be excused. The consent was granted, and Senator Heath was excused.

Senator Cagle of the 49th moved to engross HB 1120, which was on today's Senate Rules Calendar.

Senator Adelman of the 42nd objected.

On the motion a roll call was taken, and the vote was as follows:

N Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	N Starr
N Brown	N Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	N Stoner
Y Cagle	N Jones	N Tarver
Y Carter	Y Kemp	N Tate
Y Chance	N Me V Bremen	Thomas,D
Y Chapman	Miles	N Thomas,R
Y Douglas	Y Moody	Y Thompson,C
N Fort	Y Mullis	Thompson,S
Y Goggans	Y Pearson	Y Tolleson
E Golden	N Powell	Y Unterman
Y Grant	N Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
E Heath	N Seay	N Zamarripa
N Henson	Y Shafer,D	

On the motion, the yeas were 33, nays 17, the motion prevailed; and HB 1120 was engrossed.

The following legislation was read the third time and put upon its passage:

HR 1395. By Representatives Loudermilk of the 14th, Richardson of the 19th, Keen of the 179th, Porter of the 143rd, Hugley of the 133rd and others:

A RESOLUTION honoring the memory of Wiley T. Nixon and naming the Wiley T. Nixon Capitol Post Office in his honor; and for other purposes.

Senate Sponsor: Senator Smith of the 52nd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Powell	Y Unterman
Y Grant	Reed	Y Weber
Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 50, nays 0.

HR 1395, having received the requisite constitutional majority, was adopted.

Senator Tarver of the 22nd asked unanimous consent that Senator Powell of the 23rd be excused. The consent was granted, and Senator Powell was excused.

Senator Carter of the 13th asked unanimous consent that Senator Hamrick of the 30th be excused. The consent was granted, and Senator Hamrick was excused.

HB 692. By Representatives Black of the 174th, Hatfield of the 177th, Greene of the 149th, Sims of the 169th, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation

system, so as to change certain provisions relating to terms and conditions of probation; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Goggans of the 7th.

Senators Smith of the 52nd and Goggans of the 7th offered the following amendment:

Amend HB 692 by striking all matter on line 3 on page 1 and inserting in place thereof the following:

terms and conditions of probation; to change the repeal date of the “Probation Management Act of 2004”; to provide an effective date; to provide for applicability;

By adding a new section between lines 17 and 18 on page 2 to read as follows:

SECTION 2.

Article 9 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation management, is amended by striking Code Section 42-8-160, relating to the repealer, and inserting in lieu thereof the following:

“42-8-160.

This article shall be repealed in its entirety on ~~July 1, 2006~~ June 30, 2008.”

By striking all matter on lines 18 through 21 on page 2 and inserting in place thereof the following:

SECTION 3.

(a) Section 1 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to terms and conditions of probation imposed on or after such date.

(b) Section 2 of this Act shall become effective on June 15, 2006.

By striking “3” on line 22 on page 2 and inserting “4” in place thereof.

On the adoption of the amendment, the yeas were 37, nays 0, and the Smith, Goggans amendment was adopted.

Senators Goggans of the 7th and Smith of the 52nd offered the following substitute to HB 692:

A BILL TO BE ENTITLED
AN ACT

To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to establish the Georgia Methamphetamine Offender Registry for the registration of persons convicted of certain offenses relating to methamphetamine; to provide a statement of purpose; to provide for definitions; to change certain provisions relating to terms and conditions of probation; to provide effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by adding a new Code section to read as follows:

"42-1-14.

(a) The purpose of this Code section is to reduce and prevent the operation of clandestine methamphetamine laboratories and the contamination of private property by such laboratories, especially in residential areas. The General Assembly recognizes that such laboratories pose a significant threat to the citizens of this state due to the lethal environmental hazard posed by the unregulated and illegal use of harmful chemicals involved in the unlawful production of methamphetamine. This Code section is a remedial law and shall be liberally construed to promote the public health, safety, and welfare.

(b) As used in this Code section, the term:

(1) 'Appropriate official' means:

(A) With respect to an offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to an offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to an offender who is placed on parole, the chairman of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to an offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

(2) 'Bureau' means the Georgia Bureau of Investigation.

(3) 'Conviction' means a final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall not be subject to the registration requirements of this Code section upon the defendant's discharge.

(4) 'Registry' means the Georgia Methamphetamine Offender Registry maintained

and administered by the bureau.

(c)(1) There is created under the authority and direction of the bureau the Georgia Methamphetamine Offender Registry for the registration of persons convicted of Code Section 16-13-31 where the conviction relates to the delivery, manufacture, sale, or trafficking of methamphetamine.

(2) The registry shall be maintained by the bureau and made available for public inquiry and review on the Internet.

(3) The registry entry for each person shall include: the person's name, including any known aliases; the person's date of birth; any offense or offenses listed in paragraph (1) of this subsection for which the person has been convicted; the date and county of each such conviction; the address listed on the person's current driver's license, if any; a photograph taken at the time of arrest or release from incarceration; and, any other identifying data as determined by the bureau for the proper identification of the person but shall not include the person's social security or driver's license numbers.

(4) Any person convicted of an offense listed in paragraph (1) of this subsection on or after July 1, 2006, and any person so convicted before July 1, 2006, who is released from prison or placed on parole, supervised release, or probation on or after July 1, 2006, shall be listed as an offender on the registry.

(5) For each offender required to register under this subsection, the appropriate official shall forward to the bureau a copy of the judgment of conviction and information relevant to the conviction which shall include the date of birth and any further information relevant to the conviction as determined by the bureau. Where an offender has more than one offense requiring registration, a copy of the conviction and other relevant information shall be sent for each such offense. The judgment of conviction and other information related thereto shall be provided to the bureau within 30 days of the date of conviction or, in the event the offender is incarcerated, within 30 days from the release from incarceration.

(6) The bureau shall remove from the registry the name and other identifying information of persons who are registered seven years following the entry of conviction or, in the event the offender is incarcerated, seven years following the release from incarceration."

SECTION 2.

Said title is further amended by striking subsection (a) of Code Section 42-8-35, relating to terms and conditions of probation, and inserting in lieu thereof the following:

"(a) The court shall determine the terms and conditions of probation and may provide that the probationer shall:

- (1) Avoid injurious and vicious habits;
- (2) Avoid persons or places of disreputable or harmful character;
- (3) Report to the probation supervisor as directed;
- (4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;
- (5) Work faithfully at suitable employment insofar as may be possible;

(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within the state:

(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or

(B) In which any service or program in which the probationer must participate as a condition of probation is not available;

(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been adjudicated;

(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been adjudicated;

(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;

(10) Support the probationer's legal dependents to the best of the probationer's ability;

(11) Violate no local, state, or federal laws and be of general good behavior;

(12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state; and

(13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department."

SECTION 3.

(a) Section 2, this section, and Section 4 of this Act shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval and shall apply to terms and conditions of probation imposed on or after such date.

(b) Section 1 of this Act shall become effective on July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senator Goggans of the 7th asked unanimous consent that his substitute be withdrawn. The consent was granted, and the substitute was withdrawn.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	E Powell	Y Unterman
Y Grant	Reed	Y Weber
E Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 51, nays 0.

HB 692, having received the requisite constitutional majority, was passed as amended.

Senator Grant of the 25th asked unanimous consent that Senator Harp of the 29th be excused. The consent was granted, and Senator Harp was excused.

HB 972. By Representatives Casas of the 103rd, Everson of the 106th, Cox of the 102nd, Maxwell of the 17th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 20-2-200 of the Official Code of Georgia Annotated, relating to teacher certification, so as to provide that the Professional Standards Commission shall not require a course in computer skill competency for certification renewal but shall require a test in basic computer skill competency; to provide for certificated personnel to have the opportunity to take a basic computer skill competency test onsite at his or her assigned school; to provide for onsite proctors for the basic computer skill competency test; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Carter of the 13th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	E Powell	Y Unterman
Y Grant	Y Reed	Y Weber
E Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 0.

HB 972, having received the requisite constitutional majority, was passed.

HB 1012. By Representatives Millar of the 79th, Watson of the 91st, Chambers of the 81st, Jennings of the 82nd and Jacobs of the 80th:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to requirements and conditions applicable to general obligation bonds, so as to provide for additional bond performance audit requirements; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Chance of the 16th.

The Senate Finance Committee offered the following substitute to HB 1012:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, so as to change certain provisions regarding the contents of certain bond reports; to provide for additional performance audit requirements with respect to general obligation bonds and revenue bonds; to provide for a definition; to provide for power, duties, and authority of the inspector general; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, is amended in Code Section 36-82-10, relating to reporting requirements regarding bonds, by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b) A political subdivision which issues general obligation bonds, revenue bonds, or any other bonds, notes, certificates of participation, or other such obligations of that political subdivision in an amount exceeding \$1 million, shall file a report with the Department of Community Affairs which contains the following:

- (1) Name of issuer;
- (2) Whether the issue is a new issue or a refinancing or refunding;
- (3) Total amount issued;
- (4) Term of issue;
- (5) Detailed description of purpose or purposes;
- (5.1) Whether the issue is a general obligation bond, revenue bond, or other bond, note, certificate of participation, or other obligation;
- (6) Name of underwriter;
- (7) ~~Underwriting costs~~ Proceeds used for bond issuance costs, including underwriters' discount as reported on Line 24 of the United States Department of Treasury's Internal Revenue Service Form 8038-G;
- (8) Name of bond counsel;
- (9) Interest rate; and
- (10) True or net interest costs.

Such information shall be reported to the Department of Community Affairs in accordance with Code Section 36-81-8."

SECTION 2.

Said chapter is further amended by striking the Reserved designation of Article 4 and inserting in its place a new Article 4 to read as follows:

"ARTICLE 4

36-82-100.

(a) As used in this Code section, the term 'bonds' means any revenue or general obligation bonds issued under this chapter.

(b) When bonds are issued by a county, municipality, or local authority in the amount of \$5 million or more, the expenditure of bond proceeds shall be subject to an ongoing performance audit or performance review as provided in this Code section; but this Code section shall not apply if such bond issue is below \$5 million.

(c) Each county, municipality, or local authority expending bond proceeds shall provide for a continuing performance audit or performance review of the expenditure of such funds. The county, municipality, or local authority shall contract with a certified public accountant or with an outside auditor, consultant, or other provider accredited or certified in the field of performance audits or performance reviews. Such accountant, auditor, consultant, or other provider shall only be qualified to perform the audit and review functions under this Code section if such accountant, auditor, consultant, or other provider has significant experience and competence in conducting comprehensive audits and reviews in conformance with generally accepted government auditing standards. The performance audit or performance review contract shall:

(1) Include a goal of ensuring to the maximum extent possible that the bond funds are expended efficiently and economically, so as to secure to the county, municipality, or local authority the maximum possible benefit from the bond funds;

(2) Provide for the issuance of periodic public reports, made accessible through electronic or printed format, or both, at a location advertised in the legal organ not less often than once annually, with respect to the extent to which expenditures are meeting the goal specified in paragraph (1) of this subsection; and

(3) Provide for the issuance of periodic public recommendations, made accessible through electronic or printed format, or both, at a location advertised in the legal organ not less often than once annually, for improvements in meeting the goal specified in paragraph (1) of this subsection.

(d) The auditor, consultant, or other provider to carry out the performance audit or performance review shall be selected through a public request for proposals process. The reasonable cost of the performance audit or performance review shall be paid from the proceeds of the bonds unless a specific waiver of public accountability is included in a legal advertisement in bold print which expressly states that no performance audit or performance review shall be conducted with respect to such bond issue.

(e) On and after the effective date of this Code section, the expenditure of bond proceeds shall be under the jurisdiction of and subject to review by the inspector general of this state with respect to any claim of fraud, waste, abuse, or mismanagement of funds.

(f) This Code section shall apply with respect to any bonds which are subject to the requirements of subsection (b) of this Code section which are issued after the effective date of this Code section until the proceeds of such bond issue have been expended."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

Senator Chance of the 16th offered the following amendment:

Amend the Senate Finance Committee substitute to HB 1012 (LC 18 5541S) by inserting between "print" and "which" on line 9 of page 3 the following:

contained within requisite public notice soliciting public preapproval of the applicable bond issue

On the adoption of the amendment, the yeas were 32, nays 0, and the Chance amendment was adopted.

On the adoption of the substitute, the yeas were 33, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	E Powell	Y Unterman
Y Grant	Y Reed	Y Weber
E Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
E Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Henson	Y Shafer,D	

On the passage of the bill, the yeas were 52, nays 0.

HB 1012, having received the requisite constitutional majority, was passed by substitute.

Senator Chance of the 16th asked unanimous consent that HB 1012 be immediately transmitted to the House.

The consent was granted, and HB 1012 was immediately transmitted.

The following bill was taken up to consider House action thereto:

HB 81. By Representatives Day of the 163rd, Stephens of the 164th, Bryant of the 160th, Jackson of the 161st and Scott of the 2nd:

A BILL to be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding ad valorem tax exemptions, so as to provide that, with respect to all homestead exemptions, the unremarried surviving spouse of a deceased spouse who has been granted a homestead exemption shall continue to receive that exemption so long as that unremarried surviving spouse continues to occupy the home as a residence and homestead; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Senator Johnson of the 1st asked unanimous consent that the Senate insist on its amendment to HB 81.

The consent was granted, and the Senate insisted on its amendment to HB 81.

The following bill was taken up to consider House action thereto:

HB 1032. By Representatives Lunsford of the 110th, Ralston of the 7th, Forster of the 3rd, England of the 108th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver and temporary renewal permit, so as to provide for certain restrictions on the issuance of such permit; to provide for a background check for permit renewals; to provide for a check of United States Immigration and Customs Enforcement records for noncitizen applicants; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Senator Seabaugh of the 28th asked unanimous consent that the Senate insist on its amendment to HB 1032.

The consent was granted, and the Senate insisted on its amendment to HB 1032.

The following bill was taken up to consider House action thereto:

HB 173. By Representative Lunsford of the 110th:

A BILL to be entitled an Act to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property exempt from ad valorem tax, so as to expand the ad valorem exemption for veterans organizations to include certain additional nonprofit veterans organizations; to provide for a referendum, applicability, and effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Senator Seabaugh of the 28th asked unanimous consent that the Senate insist on its substitute to HB 173.

The consent was granted, and the Senate insisted on its substitute to HB 173.

The following bill was taken up to consider House action thereto:

HB 912. By Representative Fleming of the 117th:

A BILL to be entitled an Act to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to production of documents and things and entry upon land for inspection and other purposes, so as to change certain provisions relating to applicability to nonparties; to provide that silence may act as a waiver under certain circumstances; to change certain provisions relating to confidentiality; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senator Smith of the 52nd asked unanimous consent that the Senate insist on its substitute to HB 912.

The consent was granted, and the Senate insisted on its substitute to HB 912.

Senator Whitehead of the 24th asked unanimous consent that Senator Seabaugh of the 28th be excused. The consent was granted, and Senator Seabaugh was excused.

The Calendar was resumed.

HB 1018. By Representatives Lewis of the 15th, O'Neal of the 146th, Greene of the 149th, Royal of the 171st, Hanner of the 148th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding the sale or use of biomass material utilized in the production of electrical power or the coproduction or cogeneration of electrical and steam power which is subsequently sold; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The following Fiscal Note, as required by law, was read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 4-114
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

February 2, 2006

Honorable Larry O'Neal, Chairman
House Ways and Means Committee
State Capitol, Room 133
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 1018 (LC 18 4936)

Dear Chairman O'Neal:

This bill would exempt from the state sales tax biomass materials (pellets or other fuels derived from compressed, chipped or shredded biomass material) used in the production of energy which is subsequently sold. The bill would be effective on July 1, 2006.

The Georgia State University Fiscal Research Center provided the following analysis of the revenue impact of this bill:

Since the exemption is only for biomass used in the production of energy for resale, it is assumed that the exemption would apply primarily to the electric power sector. It is assumed that the exemption does not apply to biomass materials that give off methane gas that is used to generate electricity.

The Energy Information Administration publishes fuel expenditures by sector by fuel source for each state. From 1994 to 2001, Georgia's expenditures on biomass fuels used in power production intended for resale ranged from \$100,000 to \$800,000 and averaged \$160,000 over the period. A state sales tax exemption is expected to result in a revenue loss of between \$4,000 and \$32,000.

Respectfully,

Russell W. Hinton
State Auditor

Shelley C. Nickel, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	N Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
E Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 1.

HB 1018, having received the requisite constitutional majority, was passed.

Senator Hudgens of the 47th asked unanimous consent that Senator Goggans of the 7th be excused. The consent was granted, and Senator Goggans was excused.

Senator Chance of the 16th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Thomas of the 54th be excused. The consent was granted, and Senator Thomas was excused.

HB 1217. By Representatives Murphy of the 23rd, Rice of the 51st, Talton of the 145th, Maxwell of the 17th and Dollar of the 45th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for parking permits for disabled persons; to provide for specifications for such parking permits; to require that the person with the disability be the operator of or a passenger in the vehicle when such permit is being used; to amend Part 2 of Article 10 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to designate certain Code sections as reserved; to update cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Tolleson of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Me V Bremen	E Thomas,D

Y Chapman	Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
E Goggans	Y Pearson	Y Tolleson
Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

HB 1217, having received the requisite constitutional majority, was passed.

HB 1253. By Representatives Rice of the 51st, Murphy of the 23rd, Talton of the 145th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to provide for reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on driver's licenses; to provide for a suspension for violation of restrictions on a driver's license; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to amend Chapter 6 of Title 40 of the O.C.G.A., relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

Senate Sponsor: Senator Kemp of the 46th.

The Senate Public Safety and Homeland Security Committee offered the following substitute to HB 1253:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for sharing of information with courts and other

agencies regarding license information; reinstatement of a minor's license upon proof of graduation from high school; to provide that social security numbers shall not be used on drivers' licenses; to provide for a suspension for violation of restrictions on a driver's license; to require implementation of electronic transmission of uniform traffic citations to the Department of Driver Services; to add a license suspension for failure to appear in a federal court in this state; to clarify the habitual violator permit eligibility provisions; to provide for confidentiality of medical reports used for medical revocation of a driver's license; to provide that each violation of a provision that leads to a license suspension is treated as a separate transaction; to change the times relating to restoring full driving privileges from a limited driving permit; to clarify that trafficking is grounds for a driver's license suspension; to provide a penalty for driving a vehicle in violation of an out of service order; to provide that applicants for commercial drivers' licenses must take the Highway Watch safety and security program; to allow for issuance of nonresident commercial drivers' licenses; to clarify the requirements for commercial drivers' licenses with a hazardous materials endorsement; to amend Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, so as to clarify the penalty for racing on a highway; to provide that a speeding conviction must specify the amount by which the speed limit was exceeded; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by striking subparagraph (c)(1)(D) of Code Section 40-5-2, relating to maintaining records of applicants for drivers' licenses, in its entirety and inserting in its place the following:

"(D) To a judge, prosecuting official, or law enforcement agency for use in investigations or prosecutions of alleged criminal or unlawful activity, or to the driver's licensing agency of another state; ~~provided, however, that notwithstanding the definition of personal information under Code Section 40-5-1, personal information furnished to the driver's licensing agency of another state shall be limited to name, address, driver identification number, and medical or disability information;~~"

SECTION 2.

Said chapter is further amended by striking the undesignated text following division (a.1)(2)(C)(v) of Code Section 40-5-22, relating to minimum age for licensees, school attendance requirements, and driving training requirements, in its entirety and inserting in its place the following:

"Notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima-facie evidence that such person received the required notice. Such notice shall include instructions to the

minor to return immediately the instruction permit or driver's license to the department and information summarizing the minor's right to request an exemption from the provisions of this subsection. The minor so notified may request in writing a hearing within ten business days from the date of receipt of notice. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. The department shall be authorized to grant an exemption from the provisions of this subsection to a minor, upon such minor's petition, if there is clear and convincing evidence that the enforcement of the provisions of this subsection upon such minor would create an undue hardship upon the minor or the minor's family or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor. Appeal from such hearing shall be in accordance with said chapter. If no hearing is requested within the ten business days specified above, the right to a hearing shall have been waived and the instruction permit or driver's license of the minor shall remain suspended. The suspension provided for in this paragraph shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first."

SECTION 3.

Said chapter is further amended by striking Code Section 40-5-28.1, relating to use of social security numbers on drivers' licenses, in its entirety and inserting in its place the following:

"40-5-28.1.

No license or permit issued or renewed on or after ~~July 1, 1997~~ January 1, 2007, pursuant to this article shall contain the social security number of the licensee or permit holder ~~unless such person specifically requests the use of such number.~~"

SECTION 4.

Said chapter is further amended by striking subsection (c) of Code Section 40-5-30, relating to restricted drivers' licenses, in its entirety and inserting in its place the following:

"(c) The department, upon receiving satisfactory evidence of any violation of the restrictions of such license, may ~~revoke~~ suspend the license, ~~but the licensee shall be entitled to a hearing as upon a revocation under subsection (c) of Code Section 40-5-59 for a period of six months.~~ No person shall operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her."

SECTION 5.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-53, relating to when courts have to send drivers' licenses and reports of convictions to the department, and inserting a new subsection (b) to read as follows:

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to the department, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title. Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department. The department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary, the clerk shall pay such fees over to the general fund of the city or county operating the court. ~~Where a court has not implemented transmittal by electronic means, the commissioner may require such court or courts to submit by electronic means no later than a future date to be determined by the commissioner.~~"

SECTION 6.

Said chapter is further amended by striking Code Section 40-5-56, relating to driver's license suspensions for failure to respond to a citation and appear before a court of competent jurisdiction, in its entirety and inserting in its place the following:

"40-5-56.

(a) Notwithstanding any other provisions of this chapter or any other law to the contrary, the department shall suspend the driver's license or privilege to operate a motor vehicle in this state of any person who has failed to respond to a citation to appear before a court of competent jurisdiction ~~of in~~ this state or ~~of in~~ any other state for a traffic violation other than a parking violation. ~~The department shall forthwith notify such person that his license is to be suspended subject to review as provided for in this chapter.~~

(b) ~~The person so notified may request a hearing within ten days from the date of receipt of notice sent by registered mail or statutory overnight delivery. Within 30 days after receiving a written request for a hearing, the department shall hold a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' After such hearing, the department shall sustain its order of suspension or rescind such order. If no hearing is requested within the ten days specified above, the right to a hearing shall have been waived and the license of the driver shall be suspended.~~

(c) The suspension provided for in this Code section shall be for an indefinite period

until such person shall respond and pay any fines and penalties imposed. Such person's license shall be reinstated if the person submits proof of payment of the fine from the court of jurisdiction and pays a restoration fee of \$35.00 or \$25.00 when such reinstatement is processed by mail to the department. Such suspension shall be in addition to any other suspension or revocation provided for in this chapter."

SECTION 7.

Said chapter is further amended by striking subparagraph (e)(1)(A) of Code Section 40-5-58, relating to habitual violators and probationary licenses, in its entirety and inserting in its place the following:

"(A) Such person has not been convicted, or pleaded nolo contendere to a charge, of violating any provision of this chapter, Chapter 6 of this title, or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;"

SECTION 8.

Said chapter is further amended by enacting a new subsection (d) in Code Section 40-5-59, relating to reexamination of drivers believed to be incompetent or unqualified, to read as follows:

"(d) The reports required by this Code section shall be confidential and shall be used solely for the purpose of determining the qualifications of any person to drive a motor vehicle on the highways of this state. No civil or criminal action may be brought against any person or agency for providing the information to the department for the purposes of this Code section. The reports, or any reference to the reports, shall not be included in any abstract prepared pursuant to Code Section 40-5-2."

SECTION 9.

Said chapter is further amended by striking the introductory language of subsection (a) and subsection (d) of Code Section 40-5-63, relating to driver's license suspensions for certain offenses, in their entirety and inserting in their place, respectively, the following:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75; and further provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident:"

"(d)(1) Any person convicted of violating subsection (a) of Code Section 40-6-393, relating to homicide by vehicle, or Code Section 40-6-394, relating to serious injury

by vehicle, shall have his or her license suspended for a period of three years. Such person shall not be eligible for early reinstatement of said driver's license as provided in this Code section or in Article 4 of this chapter and shall not be eligible for a limited driving permit as provided in Code Section 40-5-64.

(2) For purposes of this ~~subsection~~ chapter, an accepted plea of nolo contendere to ~~homicide by vehicle in the first degree or serious injury by vehicle~~ any violation of Code Section 40-6-393 or 40-6-394 shall constitute a conviction."

SECTION 10.

Said chapter is further amended by striking subsection (e) of Code Section 40-5-64, relating to limited driving permits for certain offenders, in its entirety and inserting in its place the following:

"(e) *Duration of permit.* A permit issued pursuant to this Code section shall be \$25.00 and shall be nonrenewable and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following ~~the effective date of suspension of the applicant's driver's license~~ issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57, ~~upon the expiration of 120 days following conviction in the case of or~~ a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit."

SECTION 11.

Said chapter is further amended by striking the introductory language of subsection (a) of Code Section 40-5-75, relating to suspension of drivers' licenses by operation of law, in its entirety and inserting in its place the following:

"(a) The driver's license of any person convicted of any violation of the Georgia Controlled Substances Act, including, but not limited to, possession, distribution,

manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, ~~or transfer or traffic in~~ a controlled substance or marijuana, ~~or driving or being in actual physical control of any moving vehicle while under the influence of such a substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391;~~ or the law of any other jurisdiction shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions:"

SECTION 12.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-121, relating to driving while license is suspended or revoked, in its entirety and inserting in its place the following:

~~"(b)(1) The charge of driving with a suspended or disqualified license shall not be made where the suspension is a result of a failure to respond under Code Section 40-5-56 or an insurance cancellation unless the arresting officer has verified a service date and such date is placed on the uniform citation. If the suspension or disqualification is verified and the driver possesses a driver's license, the license shall be confiscated and mailed to the department. If the suspension or disqualification is not verified, the arresting officer shall serve the driver and attach the driver's license, if available, to the copy of service and send it to the department.~~

~~(2)~~ The department, upon receiving a record of the conviction of any person under this Code section upon a charge of driving a vehicle while the license of such person was suspended, disqualified, or revoked, including suspensions under subsection (f) of Code Section 40-5-75, shall extend the period of suspension or disqualification for six months. The court shall be required to confiscate the license, if applicable, and attach it to the uniform citation and forward it to the department within ten days of conviction. The period of suspension or disqualification provided for in this Code section shall begin on the date the person is convicted of violating this Code section."

SECTION 13.

Said chapter is further amended by striking subparagraph (C) of paragraph (7) and the undesignated text following said subparagraph (C) and paragraphs (9) and (22) of Code Section 40-5-142, relating to definitions relevant to commercial drivers' licenses, in their entirety and inserting in their respective places the following:

"(C) If the vehicle is transporting hazardous materials as designated under 49 U.S.C. Section 5103 and is required to be placarded in accordance with the Motor Carrier Safety Rules prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, subpart F or is transporting any quantity of a material listed as a select agent or toxin in Title 42 C.F.R. Part 73;

provided, however, that for the purposes of this article, no agricultural vehicle, ~~military vehicle operated by military personnel~~ commercial vehicle operated by

military personnel for military purposes, recreational vehicle, or fire-fighting or emergency equipment vehicle shall be considered a commercial vehicle. As used in this paragraph, the term 'agricultural vehicle' means a farm vehicle which is controlled and operated by a farmer, including operation by employees or family members; used to transport agricultural products, farm machinery, or farm supplies to or from a farm; and operated within 150 miles of such person's farm; which vehicle is not used in the operations of a ~~motor~~ common or contract carrier. Any other waiver by the ~~Federal Highway Administration~~ Federal Motor Carrier Safety Administration pursuant to Federal Law 49 C.F.R. Parts 383, ~~391, RIN 2125-AB-68,~~ and 384 of the United States Department of Transportation shall supersede state law in authorizing the Department of Driver Services to exempt said classes."

"(9) 'Conviction' means a an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, ~~a finding of guilt, or~~ the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated."

"(22) 'Serious traffic violation' means conviction of any of the following offenses when operating a commercial motor vehicle or a noncommercial motor vehicle:

- (A) Speeding 15 or more miles per hour above the posted speed limit;
- (B) Reckless driving, as defined under state or local law;
- (C) Following another vehicle too closely, as defined under state or local law;
- (D) Improper or erratic lane change which presents a risk to any other vehicle, but not including failure to signal a lane change;
- (E) A violation, arising in connection with a fatal crash, of state law or a local ordinance, relating to motor vehicle traffic control, excluding parking, weight, length, height, and vehicle defect violations;
- (F) A railroad grade crossing violation as defined under state law or local ordinance;
- (G) Driving a commercial motor vehicle without obtaining a commercial driver's license;
- (H) Driving a commercial motor vehicle without a valid commercial driver's license in the driver's immediate possession; or
- (I) Driving a commercial motor vehicle without a commercial driver's license of the proper class and/or endorsements for the specific vehicle being operated or for the passengers or type of cargo transported."

SECTION 14.

Said chapter is further amended by striking subsection (b) of Code Section 40-5-146, relating to operation of a commercial motor vehicle without valid license or driving privilege, in its entirety and inserting in its place the following:

"(b)(1) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, or while subject to a disqualification, (2) No person may drive a commercial motor vehicle ~~or~~ in violation of an out of service order."

SECTION 15.

Said chapter is further amended by striking paragraph (1) of subsection (a) of Code Section 40-5-147, relating to the requirements for issuing a commercial driver's license or instruction permit, in its entirety and inserting in its place the following:

"(a)(1) Except as provided in Code Section 40-5-148, no person may be issued a commercial driver's license unless that person is a resident of this state, is at least 18 years of age, has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulations enumerated in 49 C.F.R. Part 383, subparts G and H, has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same, and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, in addition to any other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department in English only."

SECTION 16.

Said chapter is further amended by adding a new Code section to read as follows:

"40-5-148.2.

If an individual is a resident of another state while that other state is prohibited from issuing commercial drivers' licenses pursuant to 49 C.F.R. Section 384.405, that individual is eligible to obtain a nonresident commercial driver's license. The individual shall provide the information specified in Code Section 40-5-149. The department shall promulgate rules and regulations as necessary to implement this Code section within 90 days of being notified that a state will be prohibited from issuing commercial drivers' licenses."

SECTION 17.

Said chapter is further amended by adding a new subsection (i) to Code Section 40-5-150, relating to contents, classifications, endorsements, and restrictions on commercial drivers' licenses, to read as follows:

"(i)(1) Before issuing, renewing, upgrading, or transferring a commercial driver's license with a hazardous materials endorsement, the department shall obtain a Transportation Security Administration determination that the individual does not pose a security risk warranting denial of the endorsement. The department shall promulgate rules and regulations as necessary to implement this subsection.

(2) If, after issuing a commercial driver's license bearing a hazardous materials endorsement, the department receives notification that the Transportation Security Administration has determined that the holder thereof poses a security risk, it shall cancel the commercial driver's license. The department may issue a new commercial

driver's license without a hazardous materials endorsement to said licensee upon surrender of the license bearing the cancelled endorsement.

(3) If a person to whom the department previously issued a commercial driver's license with a hazardous materials endorsement has provided all of the required information to the Transportation Security Administration for the completion of a security threat assessment, but the Transportation Security Administration has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment before the expiration date of said commercial driver's license, the department may renew the commercial driver's license for a period of 90 days if the licensee wishes to retain the hazardous materials endorsement. Notwithstanding the foregoing, the person's commercial driver's license may be renewed for the full renewal period if the licensee wishes to drop the hazardous materials endorsement.

(4) If a person to whom another state previously issued a commercial driver's license with a hazardous materials endorsement applies prior to the expiration thereof to transfer said license, the department may issue a temporary commercial driver's license with a hazardous materials endorsement valid for a period of 90 days upon the person's successful completion of all other statutory requirements. It shall be a prerequisite to the issuance of such a temporary license that the person has provided all of the required information to the Transportation Security Administration for the completion of a security threat assessment, but the Transportation Security Administration has not provided a Determination of No Security Threat or a Final Determination of Threat Assessment prior to the expiration date of the person's commercial driver's license issued by the previous state."

SECTION 18.

Said chapter is further amended by striking subsection (h) of Code Section 40-5-150, relating to the contents of a commercial driver's license, in its entirety and inserting in its place the following:

"(h) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by subsection (a) of Code Section 40-5-149, providing updated information and required medical certifications, and provide evidence the applicant has completed the Highway Watch safety and security training program or its federally designated successor program and is properly registered with the same. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed."

SECTION 19.

Said chapter is further amended by striking subsections (b), (c), and (g) of Code Section 40-5-151, relating to disqualification from driving a commercial motor vehicle, in their entirety and inserting in lieu thereof new subsections (b), (c), and (g) and by adding new subsection (i) and (j) to read as follows:

"(b) Any person is disqualified from driving a commercial motor vehicle for a period of

not less than three years if convicted of a first violation of using a commercial motor vehicle in the commission of a felony or for offenses specified in ~~paragraph (1) of~~ subsection (a) of this Code section, provided that the vehicle being operated or used in connection with such violation or commission of such felony is transporting a hazardous material required to be placarded under Section 105 of the Hazardous Material Transportation Act.

(c) Any person is disqualified from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in subsection (a) of Code Section 40-5-54, paragraph (1) of subsection (b) of Code Section 40-5-146, or Code Section 40-6-391, the refusal to submit to state administered chemical testing as prescribed by Code Section 40-5-55, or any combination of those offenses or refusals, arising from two or more separate incidents."

"(g)(1) Any person is disqualified from driving a commercial motor vehicle based on the following violations of out-of-service orders:

(A) First violation — a driver who is convicted of a first violation of an out-of-service order is disqualified for a period of not less than 90 days and not more than one year;

(B) Second violation — a driver who is convicted of two violations of out-of-service orders in separate incidents is disqualified for a period of not less than one year and not more than five years; and

(C) Third or subsequent violation — a driver who is convicted of three or more violations of out-of-service orders in separate incidents is disqualified for a period of not less than three years and not more than five years.

(2) Whenever the operator of a commercial motor vehicle is issued an out-of-service order, a copy of such order shall be issued to the operator of the commercial motor vehicle, the operator of the commercial motor vehicle's employer, and a copy or notice of such out-of-service order shall be provided to the department. The form of such out-of-service order, the procedures for notifying the department upon the issuance of such an order, and other matters relative to the issuance of out-of-service orders and violations thereof shall be provided in rules and regulations promulgated by the commissioner.

(3) Any person is disqualified for a period of not less than 180 days nor more than two years if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than three years nor more than five years if, during any ten-year period, the driver is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under Section 105 of the Hazardous Materials Transportation Act, or while operating commercial motor vehicles designed to transport more than 15 passengers, including the driver.

(4) In addition to any other penalty imposed pursuant to this article, any driver who is

convicted of a railroad grade crossing violation in a commercial vehicle shall be subject to a civil penalty of not less than \$1,100.00 and not to exceed \$2,750.00."

"(i) Any person is disqualified from driving a commercial motor vehicle for a period of not less than 60 days if it is determined, in a check of an applicant's license status and record prior to issuing a commercial driver's license or at any time after the commercial driver's license is issued, that the applicant has falsified information on his or her application or any related filing.

(j)(1) Any person is disqualified from driving a commercial vehicle for a period of not less than 30 days if the department receives notification from the Federal Motor Carrier Safety Administration that the person poses an imminent hazard.

(2) If the Federal Motor Carrier Safety Administration notifies the department that a person's driving constitutes an imminent hazard and imposes a disqualification greater than 30 days, the person shall be disqualified from driving a commercial vehicle for the period designated by the Federal Motor Carrier Safety Administration, not to exceed one year."

SECTION 20.

Said chapter is further amended by striking subsections (c) and (d) of Code Section 40-5-159, relating to penalties for driving a commercial motor vehicle while in violation of the law, in its entirety and inserting in its place the following:

"(c)(1) Any person who drives a commercial motor vehicle while in violation of the provisions mandated under Code Section 40-5-146 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00. The department shall suspend the commercial driver's license or commercial driving privilege of such any driver convicted of violating subsection (a) or paragraph (1) of subsection (b) of Code Section 40-5-146 for a period of six months.

(2) The department shall suspend the commercial driver's license or commercial driving privilege of any person who is convicted of violating Code Section 40-5-29 in a commercial vehicle for a period of six months.

(d) Any employer who knowingly allows, requires, permits, or authorizes a driver to drive a commercial motor vehicle in violation of any federal, state, or local law or regulation pertaining to railroad grade crossings shall be subject to a civil penalty in an amount not less than \$2,750.00 and not to exceed \$10,000.00 \$11,000.00."

SECTION 21.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, is amended by striking subsection (c) of Code Section 40-6-186, relating to racing on highways or streets, and inserting in its place the following:

"(c) Any person convicted of violating subsection (b) of this Code section shall be guilty of a misdemeanor. In addition to the punishment prescribed by law, the Department of Public Safety shall suspend for 12 months the license of any person convicted of such violation."

SECTION 22.

Said chapter is further amended by striking Code Section 40-6-187, relating to charging speeding violations, in its entirety and inserting in its place the following:

"40-6-187.

(a) In every charge of violation of any speed regulation in this chapter, the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven and also the maximum speed applicable within the district or at the location.

(b) For the purpose of imposing points pursuant to Code Section 40-5-57, every sentence for a violation of any speed regulation in this chapter shall state the specific amount by which the person convicted exceeded the speed limit."

SECTION 23.

This Act shall become effective on July 1, 2006.

SECTION 24.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 34, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Me V Bremen	Y Thomas,D
Y Chapman	Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
E Goggans	Y Pearson	Y Tolleson
Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles

Y Harp
Y Heath
Y Henson

E Seabaugh
Y Seay
Y Shafer,D

Y Williams
Y Zamarripa

On the passage of the bill, the yeas were 46, nays 0.

HB 1253, having received the requisite constitutional majority, was passed by substitute.

Senator Williams of the 19th asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

HB 1120. By Representatives Scott of the 2nd, Knight of the 126th, Graves of the 12th, Fludd of the 66th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Code Section 48-8-49 of the Official Code of Georgia Annotated, relating to dealers' sales and use tax returns, so as to change certain provisions regarding estimated tax liability; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Cagle of the 49th.

The following Fiscal Note, as required by law, was read by the Secretary:



Department of Audits and Accounts

270 Washington Street, S.W., Suite 4-114
Atlanta, Georgia 30334-8400

Russell W. Hinton
State Auditor
(404) 656-2174

February 15, 2006

Honorable Larry O'Neal, Chairman
House Ways and Means Committee
State Capitol, Room 133
Atlanta, Georgia 30334

SUBJECT: Fiscal Note
House Bill 1120 Substitute
(LC 18 5095S)

Dear Chairman O'Neal:

This bill would raise the threshold at which a dealer is required to pay estimated taxes from \$2,500 to \$5,000. Currently, if a dealer's estimated sales tax liability for any taxable period exceeds \$2,500, the dealer is required to file a return and remit to the state revenue commissioner not less than 50% of estimated liability for that period on or before the twentieth day of the period.

The Georgia State University Fiscal Research Center provided the following narrative on the revenue impact of this bill:

This legislation would have a one time impact on state sales tax revenue as the new legislation went into effect. Currently, dealers pre-pay part of their monthly sales tax obligations per the estimated sales tax requirement. For example, a dealer will make an estimated payment in November against the dealer's sales tax obligations due with its December tax return. The state recognizes as revenue the estimated payment at the time it is received in November. The dealer then receives a credit against its payments due in December equal to its pre-paid amount but at the same time pays the pre-paid amount for its January obligations.

If this legislation were effective, there would be one monthly cycle in which certain dealers would receive the credit for the estimated payment from the prior month but would no longer pay the estimated payment amount for the current month. Thus, state sales tax revenue would decrease by the aggregate amount of the estimated payments that these dealers had paid under current rules. The dealers that would be affected by this change are those with an estimated tax liability greater than \$2,500 but less than or equal to \$5,000.

The Department of Revenue estimates that estimated payments by these dealers total about \$7 to \$8 million per month. Therefore, state sales tax revenue would experience a one time loss of \$7 to \$8 million. This would occur in the month in which the legislation took effect. Thereafter, the change would not impact state sales tax revenue.

Sincerely,

/s/ Russell W. Hinton
State Auditor

/s/ Shelley C. Nickel, Director
Office of Planning and Budget

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Miles	Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
E Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	E Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 47, nays 0.

HB 1120, having received the requisite constitutional majority, was passed.

HB 363. By Representatives Murphy of the 23rd, Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to change the requirements regarding replating of private and governmental motor vehicles; to increase the license fee on governmental vehicles; to provide for disposition of the license fee on governmental vehicles; to remove the provisions regarding five-year license plates on governmental vehicles; to change the requirements as to destruction of tags from governmental vehicles; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Tolleson of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Fort	Y Mullis	Y Thompson,S
E Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

HB 363, having received the requisite constitutional majority, was passed.

HB 1075. By Representative Parham of the 141st:

A BILL to be entitled an Act to amend Code Section 43-47-8 of the Official Code of Georgia Annotated, relating to license applications filed with the State Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts Dealers, so as to increase the amount of the bond for used motor vehicle dealers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Grant of the 25th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Chapman	Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 0.

HB 1075, having received the requisite constitutional majority, was passed.

HB 718. By Representative Lindsey of the 54th:

A BILL to be entitled an Act to amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, so as to allow certain courts to create and administer pretrial intervention and diversion programs; to provide for court costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Hill of the 32nd.

The Senate Judiciary Committee offered the following substitute to HB 718:

A BILL TO BE ENTITLED AN ACT

To amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, so as to allow certain courts to

create and administer pretrial intervention and diversion programs; to provide for court costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to pretrial intervention and diversion programs, is amended by striking subsections (a), (f), and (g) of Code Section 15-18-80, relating to policy and procedure, and inserting in their respective places the following:

"(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts."

"(f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$300.00 for the administration of the program. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted.

(g) The prosecuting attorney shall be further authorized to collect restitution on behalf of victims. Any restitution collected under this subsection shall be made payable to and disbursed by the clerk of the court ~~in the county~~ in which the case would be prosecuted."

SECTION 2.

Said article is further amended by striking Code Section 15-18-81, relating to court costs, and inserting in lieu thereof the following:

"15-18-81.

The prosecuting attorney may assess court costs against the defendant for the dismissal of criminal warrants when the affiant is not a peace officer. Any fee collected under this subsection shall be made payable to the general fund of the ~~county in which the crime is committed~~ political subdivision in which the case is being prosecuted."

SECTION 3.

Said article is further amended by adding a new Code section to the end of the article to read as follows:

"15-18-82.

As used in this article, the term 'prosecuting attorney' means the individual responsible for prosecuting cases in superior courts, state courts, probate courts, magistrate courts,

municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations."

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 33, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	E Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
Y Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 53, nays 0.

HB 718, having received the requisite constitutional majority, was passed by substitute.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following Resolution of the Senate:

SR 1244. By Senators Johnson of the 1st, Harp of the 29th, Douglas of the 17th, Williams of the 19th, Tolleson of the 20th and others:

A RESOLUTION recognizing and thanking an American hero, General H. Norman Schwarzkopf; and for other purposes.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Thursday, March 23, 2006.

The motion prevailed, and the President announced the Senate adjourned at 12:33 p.m.